

PD-0478-19

NO. 04-18-00127-CR

STATE OF TEXAS

VS.

LEONARDO NUNCIO

§ **IN THE**
§
§ **COURT OF**
§
§ **CRIMINAL APPEALS**

FILED
COURT OF CRIMINAL APPEALS
5/10/2019
DEANA WILLIAMSON, CLERK

FIRST UNOPPOSED MOTION TO EXTEND TIME TO FILE
PETITION FOR DISCRETIONARY REVIEW

TO THE HONORABLE JUDGES OF SAID COURT:

Petitioner files this First Unopposed Motion for Extension of Time to File Petition for Review under Tex. R. App. P. 10.1, 10.5(b), and 53.7(f). In support of this motion, Petitioner shows the following:

1. The Court of Appeals for the Fourth district in San Antonio rendered its opinion and judgment in Ex Parte Leonardo Nuncio, No. 04-18-00127-CR, on April 10, 2019. The Petition for Discretionary Review is due 30 days thereafter, i.e. on May 10, 2019. See Tex. R. App. Proc. 68.2.
2. Petitioner requests an extension of time of thirty days, to June 10, 2019. This is Petitioner's first request for an extension of time in this case.
3. Petitioner relies on the following facts as a reasonable explanation for the requested extension of time: Petitioner's counsel, in addition to preparing a brief on the merits in this case must also devote time to the

following additional matters: 1) Appeal No.: 18-20682, pending in the Fifth Circuit Court of Appeals, 2) Appeal No. 18-40843, pending in the Fifth Circuit Court of Appeals, and 3) Appeal No.: 04-17-00375-CR, recently denied discretionary review from the Court of Criminal Appeals in Texas -- Counsel is now preparing petition for Writ of Certiorari.

4. The undersigned has conferred with opposing counsel, who indicated there was no opposition to this request.

WHEREFORE, PREMISES CONSIDERED, appellant respectfully requests an extension of 30 days, i.e. until June 10, 2019, to file the Petition for Discretionary Review.

Respectfully submitted,

Oscar O. Peña, PLLC
PO Box 1324
LAREDO, TX 78042-1324
Tel: (956) 722-5167
Fax: (956) 722-5186

By: /s/ Oscar O. Peña

Oscar O. Peña
State Bar No. 90001479
oscar@oscarpenalaw.com
Attorney for Leonardo Nuncio

CERTIFICATE OF CONFERENCE

As required by Tex. R. App. P. 10.1(a)(5), I certify that I have conferred with David Reuthinger, counsel for the State, who indicated that this motion is unopposed.

/s/ Oscar O. Peña

Oscar O. Peña

CERTIFICATE OF SERVICE

I certify that, on May 10, 2019, I served a copy of this motion by email on the following:

David Reuthinger
Counsel for the State of Texas

/s/ Oscar O. Peña

Oscar O. Peña